

## **REMARKS**

### **Overview**

Claims 1-28, 30, 52-58, and 64 are pending in this application. Claims 1-28, 30, and 64 were previously elected in response to a restriction requirement, and claims 52-58 were withdrawn. Independent claim 1 and dependent claim 26 have been amended. The present response is an earnest effort to place all pending claims in proper form for immediate allowance.

Prior to discussing the specific objections and rejections made by the Examiner, Applicant takes this opportunity to set forth the following brief remarks in connection with the claimed method of designing group retirement plans. The present invention is focused on designing group retirement plans, not the ongoing administration and maintenance of such plans. It is common today for employers to offer group retirement plans to their employees. In this scenario, the employer is the plan sponsor and the employees are plan participants. The present invention provides a method and system that assists prospective plan sponsors to design group retirement plans without the need for a sales representation. The method and system merge a plan sponsor's business objectives and needs with a business logic component for retirement plan design. Based upon information collected from the prospective plan sponsor, the business logic component designs a suitable group retirement plan. It is this focus on the design of the plan that fundamentally distinguishes the present invention over the cited references. Gilbert et al., the primary reference cited by the Examiner, does not disclose a system that is utilized by the prospective plan sponsor to design the features of a retirement plan. Instead, Gilbert et al. teach a Web site system that can be used by an employer to manage its retirement plan, and can be accessed by the plan participants. Subsequently, the participant can select and personalize their

own participation within the existing retirement plan. Whereas the present invention relates to designing a group retirement plan best suited for the plan sponsor, Gilbert et al. is only useful after the plan specifications have been determined. Simply put, Gilbert et al. does not relate to determining the optimum plan for any given plan sponsor. As explained more fully below, the difference in focus between the present invention and the prior art compels a finding of patentability.

### **Objections to the Specification**

The Examiner has objected to the Specification for two reasons. First, there are not any labeled columns "52", "54", and "56" in Figures 7A and 7B. Second, the rows in Figures 7A and 7B are not labeled.

As for the column numbers, the drawings have been revised to include reference numerals 52, 54 and 56, as discussed in the next section. As for the rows numbers, the Specification has been amended to substitute, "row 102" and "row 112" for the references to "row 1" and "row 6", respectively. This is consistent with the drawings, which have also been amended to include reference numbers for the rows, as explained below.

In view of the above, Applicant respectfully requests that the objections to the Specification be withdrawn.

### **Objections to the Drawings**

Applicant submits herewith corrected drawings. Reference numerals have been added to Figures 7A and 7B to identify the columns and rows of the table. Drawing sheet 3 of 14 has also been amended as "Fig. 3". No new matter has been added. Rather, the drawings have been corrected to be consistent with the written description in the Specification. Applicant therefore respectfully requests that the objections to the drawings be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 112**

The Examiner has rejected claim 1 under 35 U.S.C. § 112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner maintains that the "business logic component" recited in the claims is not understood from reading the Specification and from viewing the drawings, and has asked Applicant to point out in the Specification and drawings support for this claim element.

While the Detailed Description in the Specification is not intended to be limiting, but only exemplary, the Specification describes the business logic component at pages 12 and 13. As described in the Specification, "Fig. 7 shows the logic for determining plan rules concerning participant eligibility and participant contributions...." The written description that follows and Figures 7A and 7B describes the business logic component, which includes a plurality of questions related to the plan sponsor's business objectives and a plurality of possible plan rules. For clarity, claim 1 has been amended to recite that "the business logic component including a plurality of questions related to the plan sponsor's business objectives and a plurality of possible plan rules". This comports with the clear claiming requirement under § 112(2). Applicant therefore requests that the claim rejections be withdrawn.

### **Prior Art Rejections**

The Examiner has rejected claims 1-17 and 28 under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,041,313 to Gilbert et al. These rejections are respectfully traversed.

Independent claim 1 has been amended to recite that "the business logic component including a plurality of questions related to the plan sponsor's business objectives and a plurality

of possible plan rules". Support for the amendment is found at least at pages 12 and 13 of the Specification and Figures 7A and 7B. Claim 1 has also been amended to make clear that the information collected from the plan sponsor through the Web site is "in response to the plurality of questions", and that that the information is analyzed using the business logic component "by selecting recommended plan rules from the plurality of possible plan rules based on the information input by the plan sponsor". Support for these amendments can also be found at pages 12 and 13 of the Specification and Figures 7A and 7B.

This is not a case of claiming a prior art method altered by the mere substitution of one element for another known in the field. To the contrary, Gilbert et al. alone or in combination with the other cited references falls far short of the invention. None of the prior art references teach designing a group retirement plan suitable for a particular plan sponsor without the need for a sales representative. The primary reference cited by the Examiner, Gilbert et al., is deficient because it does not disclose a Web site system that is utilized by the prospective plan sponsor (e.g., employer) to design the features of a retirement plan. Gilbert et al. claims a particular retirement plan and discloses a Web site system that can be used by an employer to manage the plan. The Web site system can also be accessed by the plan participants (e.g., employees), such that each participant can select and personalize their own participation within the existing retirement plan. These are steps that occur after the focus of the present invention. For example, at column 5, lines 7-12 of Gilbert et al. state: "FIG. 1 illustrates an overview of a general 401(k) plan. Each employer is set up 110 to include company and plan specifications. Each employee is then set up 120 to include employee information in sections of plan options (including allocations)."

In contrast to what is taught by Gilbert et al., the present invention permits an employer to

determine on-line and without the aid of a representative the best plan specifications, including for example which plan options it would make available to employees. Although Gilbert et al. may be useful after the plan specifications have been determined, Gilbert et al. do not teach anything whatsoever about determining the optimum plan for any given plan sponsor. In Gilbert et al., the plan sponsor would need to determine in advance what features it wanted in its retirement plan. In short, Gilbert et al. do not disclose a method for automated design or recommendation of a retirement plan with plan rules optimized for the plan sponsor's business objectives. If anything, Gilbert et al. teach away from the present invention by assuming the design of a particular plan without regard to a particular plan sponsor's business needs and objectives.

In view of the above, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness and requests that the rejections be withdrawn.

Claims 2-17 and 28 all depend from the limitations of independent claim 1. As such, these dependent claims should also be allowed.

Although not discussed by the Examiner in the Office Action, claim 18 also depends from claim 1 and should also be allowed.

The Examiner has rejected claims 19-27 and 64 as being unpatentable over Gilbert et al. and further in view of U. S. Patent 6,064,986 to Edelman. These rejections are also respectfully traversed.

The prior discussion details numerous deficiencies in Gilbert et al. The combination of Gilbert et al. and Edelman fares no better. The Edelman reference does not supply the missing elements from Gilbert et al. Edelman relates to a method of forming a trust. The system is implemented on the individual level, rather than on a company-wide level. Therefore, there is no

customizing of the plan for the plan-sponsor. Instead, each individual must go to a lawyer who uses the system of the Edelman invention to create necessary forms to create the desired trust. As such, none of the cited references show, individually, or in combination, a method for retirement plan design with rules optimized for the plan sponsor's business objectives as described in the claimed invention. Applicant therefore respectfully requests that the claim rejections be withdrawn.

### **Conclusion**

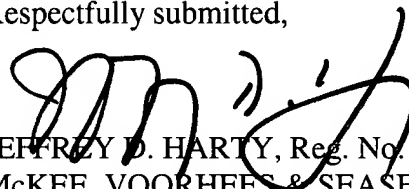
For all the foregoing reasons, it is respectfully submitted that all pending claims are in proper form for immediate allowance.

Please consider this a Request for Two-Month Extension of Time from June 8, 2007 to August 8, 2007 and charge Deposit Account No. 26-0084 the amount of \$450.00.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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Enclosure: Replacement Drawings (1-14); Annotated Marked-up Drawings (3 pages)